

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

TRACTOR SUPPLY COMPANY,)	
Plaintiff)	Case No. 3:21-cv-00016
)	Campbell/Holmes
v.)	
)	Related Case 3:21-cv-00619
UNIFIRST CORPORATION, et al)	
Defendants)	
TRACTOR SUPPLY COMPANY)	
Plaintiff)	Case No. 3:21-cv-00619
)	Campbell/Holmes
v.)	
)	Related Case 3:21-cv-00016
ACE AMERICAN INSURANCE CO.)	

ORDER REGARDING PROGRESSION OF RELATED CASES

Pending before the Court is the parties' Joint Motion for Entry of Order Related to Progression of Related Cases, which is found at Docket No. 49 in Case No. 3:21-cv-00619 and Docket No. 53 in Case No. 3:21-cv-00016, and both of which are GRANTED. Upon consideration of the Joint Motion, the parties' proposed order, and the record in these related cases, the Court orders as follows:

1. Within seven days from the entry of this Order, Tractor Supply shall file in Case No. 3:21-cv-00619 a Second Amended Complaint asserting the same allegations and claims against UniFirst Corporation ("UniFirst") and ESIS, Inc. ("ESIS") that were previously asserted by Tractor Supply against UniFirst and ESIS in Case No. 3:21-cv-00016. Leave to amend is given to Tractor Supply solely to assert the previously-asserted allegations and claims against UniFirst and ESIS in Case No. 3:21-cv-00016, not to otherwise substantively amend Tractor Supply's complaint. Tractor

Supply's Second Amended Complaint shall not substantively alter or amend Tractor Supply's complaint in response to the pending motions to dismiss filed by UniFirst, ESIS, or ACE American Insurance Company —i.e., it will not plead around the arguments raised by those motions. Subject to the foregoing requirements, this section does not preclude Tractor Supply from amending factual allegations in such a manner as to cohesively allege its previous allegations and claims against UniFirst and ESIS in the same complaint as ACE. Tractor Supply shall provide the Second Amended Complaint to defense counsel at least two days prior to its filing. Defendants have reserved the right to seek dismissal of the Second Amended Complaint should it contain substantive amendments contrary to the leave allowed by this Order. By filing its Second Amended Complaint as ordered herein, Tractor Supply does not waive its rights under Rule 15, including to seek leave under Rule 15 to further amend the complaint.

2. After the filing of the Second Amended Complaint by Tractor Supply in Case No.3-21-cv-00619, Tractor Supply shall, within five (5) business days, submit appropriate filings to dismiss Case No. 3-21-cv-00016 with prejudice.

3. All claims between the Parties will proceed under Case No. 3-21-cv-00619. The claims re-asserted against UniFirst and ESIS in Case No. 3-21-cv-00619 by way of this order shall relate back to the initial filing date of Case No. 3-21-cv-00016 for all limitations purposes.

4. The Defendants are not precluded from challenging the validity of any claims that may be asserted by Tractor Supply.

5. Based on the agreed-upon filing of a Second Amended Complaint, which will, once filed, be the legally operative complaint, the Clerk is directed to TERMINATE the motion to dismiss in Case No. 3:21-cv-00016 at Docket No. 24 without prejudice to refiling as to the Second Amended Complaint as may be appropriate.

6. Further, Tractor Supply's prior motions for entry of an order related to progression of related cases, which are found at Docket No. 51 in Case No. 3:21-cv-00016 and Docket No. 48 in Case No. 3:21-cv-00619, are DENIED as moot.

7. This Order shall supersede all other orders related in any way to consolidation of the two related cases.

8. Due to unforeseen circumstances, the initial case management conference that the Court intended to hold on September 21, 2021, is CANCELLED. Within seven days of the dismissal of Case No. 3:21-cv-00016, the parties shall file a joint proposed initial case management order in the remaining Case No. 3:21-cv-00619.¹ A copy of the proposed initial case management order in Word format must also be emailed to Ms. Jeanne Cox, Courtroom Deputy, at Jeanne_W_Cox@tnmd.uscourts.gov. The target trial date requested in the initial case management order shall not be any closer than 150 days from the last dispositive motion filing deadline, that is, the reply deadline. The Court will enter an initial case management order based on the parties' proposed order with any necessary modifications.

It is SO ORDERED.



BARBARA D. HOLMES
United States Magistrate Judge

¹ Counsel shall utilize the form initial case management order found on the Court's website under the link to Magistrate Judge Holmes with the provisions designated for Judge Campbell's cases.

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